

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	
DOR JONALSON,)	
Petitioner,)	
)	
v.)	Civil Action No.
)	22-10083-NMG
)	
DEPARTMENT OF HOMELAND)	
SECURITY, et al.,)	
Respondents.)	
)	

ORDER

GORTON, J.

On January 20, 2022, Dor Jonalson, an immigration detainee in custody at the Plymouth County Correctional Facility, initiated this pro se habeas challenge to his continued detention pursuant to Reid v. Donelan, 17 F. 4th 1 (1st Cir. Oct. 6, 2021). See Docket No. 1.

Because petitioner did not pay the \$5.00 filing fee nor file a fee-waiver application, a Procedural Order issued granting petitioner 21 days to either pay the \$5.00 fee or file a motion for leave to proceed in forma pauperis accompanied by a certified copy of his prison account statement. See Docket No. 5.

On January 31, 2022, the envelope with the Court's Order was returned to the Court as undeliverable. See Docket No. 6. The same day, on January 31, 2022, petitioner filed a second

habeas petition that was entered on the docket as petitioner's amended petition. See Docket No. 7.

On February 7, 2022, a second Procedural Order issued granting petitioner 21 days to either pay the \$5.00 fee or file a motion for leave to proceed in forma pauperis accompanied by a certified copy of his prison account statement. See Docket No. 8.

Although petitioner has not paid the filing fee or sought leave to proceed in forma pauperis, he filed a third pleading on March 23, 2022. See Docket No. 9. It is unclear whether petitioner is aware that he cannot proceed in this action with three different petitions. Because petitioner is proceeding pro se, and such litigants often lack familiarity with the legal system, petitioner will be granted an opportunity to advise the Court which petition he wishes to designate as the operative pleading for this action.

However, petitioner cannot proceed with this action until the issue of the filing fee is resolved. Petitioner will be granted one final opportunity to either pay the fee or file a fee-waiver application. Failure to comply with this Order will result in dismissal of this action without prejudice for failure to comply with an order of the Court.

For the forgoing reasons, on or before April 29, 2022, petitioner shall: (1) either pay the \$5.00 fee or file a motion

for leave to proceed in forma pauperis accompanied by a certified copy of his prison account statement; and (2) file a notice indicating which petition he wishes to proceed on: ECF No. 1, ECF No. 7, or ECF No. 9.

The Clerk shall provide to petitioner an Application to Proceed in District Court without Prepaying Fees or Costs along with copies of ECF No. 1, ECF No. 7, or ECF No. 9. If petitioner files such notice, the Court will review the identified petition and make further determination concerning service of the petition. Failure to timely comply with this order will subject this case to dismissal without prejudice.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: April 6, 2022